

DOCKET NO.: MSFT-1167/191769
Application No.: 09/265,493
Office Action Dated: January 2, 2004

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS/ARGUMENTS

Claims 1-20 remain in the application. Claims 1-20 were rejected. Applicant requests reconsideration for the reasons set forth below.

REQUEST FOR RECONSIDERATION OF THE FINAL REJECTION AS PREMATURE

Applicant respectfully requests reconsideration of the final rejection as premature because the Examiner has introduced a new ground of rejection of the claims that was neither necessitated by Applicant's amendments nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

The final rejection of claim 10 under 35 U.S.C. § 103(a) is based on a new prior art reference (Lauzon). In accordance with the MPEP, the rejection was therefore premature:

second or subsequent actions on the merits shall be final, *except* where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement....

MPEP 706.07(a); (Emphasis added.)

In the present case, the Examiner has switched from one set of references to another in rejecting claim 10 in successive actions, although the Applicants have never amended claim 10. Accordingly, Applicants request reconsideration and withdrawal of the outstanding final rejection and reconsideration of the present application based on the amendments and remarks contained herein.

REJECTION UNDER 103(a)

In the Official Action, claims 1-20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the teachings of Lathrop et al. (US 5,097,427) and Lauzon (US 5,977,982). Applicant respectfully disagrees and traverses the rejection.

Page 6 of 9

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As described in the specification aspects of the subject invention relate to selecting parameters for a primitive that are typically applied as constants in a mathematical model and applied to a graphics primitive and instead substituting a texture. The remaining unselected parameters are applied in the in the usual fashion. The texture values and the mathematical model values are then used to determine a pixel value. This is aptly described in the specification as follows:

The present invention selects a set of parameters from one or both of the per-primitive and per-vertex parameters and generates texture values for the selected parameters. The parameters for which texture values may be substituted in a lighting equation may be varied, but preferably include the normal vector N and all of the per-primitive parameters. These parameters are selectable from the superset of per-primitive and per-vertex parameters and are referred to herein as "selectable parameters." The unselected parameters may be used without modification in evaluating a light equation to determine a pixel value. The generated texture values and the unselected parameters may then be used in evaluating a pixel value in accordance with any suitable light equation. It should be appreciated by those skilled in the art that in addition to the above-described parameters, texture values may be generated for other parameters in a lighting model or equation for evaluating a pixel light value.

Application p. 5, ll. 5-17.

This feature is defined in independent claims 1, 10, and 15 relates to a method, device, and system whereby "selected" parameters are provided by a texture map and "unselected" parameters are applied as constants in a mathematical model.

This feature of the invention is clearly set forth in the claims. For example, claim 1 recites, *inter alia*:

substituting a texture value from a texture map in place of a values produced from an algorithm that uses the selected at least one parameter to determine a pixel value;

These features are not believed to be shown or suggested by the cited prior art.

Page 7 of 9

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Lathrop et al. disclose a conventional texture mapping system for a computer graphics display controller. In the Lathrop et al. texture mapping system, output texture values and illumination values are combined (Figure 1) to generate textured display color values for each pixel. Lathrop does not teach or suggest substituting a texture map value for a value produced from an algorithm that uses the parameter. Applicant submits that Lauzon does not provide the teachings missing from Lathrop et al.

Regarding unamended, original claim 10, the Examiner merely indicates that it is the "corresponding device of claim 1." Applicants respectfully disagree. Claim 10, for example, claims:

a texture unit for receiving texture coordinates for accessing a set of selected texture maps in the texture memory, *the set of selected texture maps being associated with a set of selected parameters selected from among the plurality of parameters that define a pixel value in the primitive*, the texture unit generating a texture value associated with the pixel from each of the selected texture maps, wherein the parameters that are not selected from the plurality of parameters define a set of unselected parameters; and

By contrast, Lathrop does not teach associating a texture map with a parameter selected from among the plurality of parameters. Rather, Lathrop teaches a conventional application of a texture map that is combined with an illumination value that is calculated. See Lathrop col. 3, ll. 18-34.

In view of the shortcomings in the teachings of Lathrop et al. and Lauzon, even if the teachings of these patents could for some unspecified reason be combined by one skilled in the art, the claimed invention clearly would not result. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness and withdrawal of the rejection of claims 1-20 is respectfully solicited.

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For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of claims 1-20 and issuance of a Notice of Allowability.

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